

REMARKS

Favorable consideration and allowance of claims 2, 3, 5 and 11-16 are respectfully requested in view of the foregoing amendments and the following remarks.

In the Office Action, the following rejections were made:

Claims 2, 4, 11 and 12 were rejected under 35 U.S.C. § 102(b) as being anticipated by newly-cited Hori (JP 8-211317).

Claim 3 was rejected under 35 U.S.C. § 103(a) as being obvious over Hori in view of Yoshino (JP 7-178957).

Claim 5 was rejected under 35 U.S.C. § 103(a) as being obvious over Hori in view of Herloski et al. (US 4,355,859).

Claims 1, 7 and 8 were rejected under 35 U.S.C. § 103(a) as being obvious over Hori in view of Miyamoto et al. (US 5,900,961), Yoshino and Herloski et al.

Claims 13 and 14 were rejected under 35 U.S.C. § 103(a) as being obvious over Hori in view of Miyamoto et al.

Claims 15 and 16 were rejected under 35 U.S.C. § 103(a) as being obvious over Hori in view of Yoshino and Miyamoto et al.

Claims 1, 4, 7 and 8 have been canceled without prejudice or any disclaimer of the subject matter therein, thus rendering moot the rejections thereof. Claims 2 and 3 have been amended as shown above.

Claim 2, as amended, includes the feature of the circuit board having a second heat generation ability which is smaller than the first heat generation

ability of the motor mounting member. Applicant submits that the cited prior art fails to teach or suggest this feature of the claim. Hori discloses a motor 13 fixed to the inside (bottom) of a casing 11 and a circuit board 17 that makes up the top cover of the casing 11. *See Abstract and FIGS. 1-3*. However, Hori is silent regarding the heat generation ability of the top and bottom portions of the casing. Moreover, there is no teaching or suggestion of why the bottom and the top of Hori's casing 11 would have had the relationship claimed in claim 2 between the heat generation abilities of the circuit board and the motor mounting member. Thus, claim 2 is patentable over Hori.

Claim 2 is also amended to include the feature of the circuit board being disposed in a substantially non-overlapping arrangement with the frame body. Support for this claim amendment can be found, for example, in p. 13, line 20 – p. 14, line 17 of the application. This feature is illustrated in FIGS. 2 and 3 of the present application, for example, as circuit board 9, which is disposed in a substantially non-overlapping arrangement with frame body 2. As described in Applicant's specification, this arrangement protects the semiconductor laser drive circuit and the motor drive circuit on the circuit board 9 from being damaged by heat from the motor. *See p. 14, lines 3-10*.

Applicant submits that the prior art fails to teach or suggest the claimed arrangement of the circuit board and the frame body of claim 2 of the present application. Hori, for example, discloses a circuit board 17 which is disposed directly above the motor 13, as a cover for the casing 11 of the optical scanner.

See FIGS. 1-2 and paragraph [0012]. As illustrated in FIGS. 1 and 2, Hori's circuit board 17 is disposed in an entirely overlapping arrangement with the casing 11. Thus, Hori's circuit board arrangement is essentially the opposite of the arrangement claimed in claim 2 of the present application. By having the circuit board 17 disposed directly above the motor 13 and casing 11, Hori's device has the disadvantage of the heat from the motor 13 radiating directly to the circuit board 17. Thus, Hori's device lacks the advantage of Applicant's substantially non-overlapping arrangement of protecting the circuit board from heat from the motor.

Applicant further submits that the secondary and tertiary references cited in the Office Action fail to make up for the above-described deficiency of Hori. Miyamoto, for example, discloses a circuit board 31, which appears to be outside of the casing 21, however, most of the circuit board 31 is disposed inside and is sealed in the casing 21. *See col. 3, lines 57-64.* Moreover, Miyamoto's circuit board 31 itself fails to correspond to the circuit board claimed in claim 2. Therefore, claim 2 is patentable over the prior art for this additional reason.

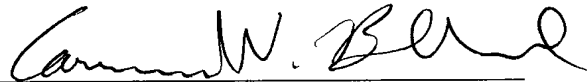
Claims 3, 5 and 11-16 are patentable due to their dependence from claim 2, and because the secondary and tertiary references fail to make up for the above-described deficiencies of Hori.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #038849.52804US).

Respectfully submitted,

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